

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

THE JACKSON LABORATORY,

Plaintiff,

v.

NANJING UNIVERSITY, NANJING  
BIOMEDICAL RESEARCH INSTITUTE  
OF NANJING UNIVERSITY and NANJING  
UNIVERSITY MODEL ANIMAL  
RESEARCH CENTER

Defendants.

Civil Action No. 1:17-cv-00363-GZS

**JOINT MOTION TO VOLUNTARILY DISMISS ACTION  
WITHOUT PREJUDICE AND TO TERMINATE THIS ACTION**

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), plaintiff The Jackson Laboratory (“Jackson”) and defendants Nanjing University, Nanjing Biomedical Research Institute, and Nanjing Model Animal Research Center (collectively, “Nanjing”) jointly move this Court to dismiss Jackson’s Complaint (D.I. 1) and Nanjing’s Counterclaims (D.I. 9) without prejudice, and to terminate this action. As grounds for this Motion, the parties state as follows:

On September 18, 2017, Jackson filed a Complaint and Petition to Compel Arbitration in the above-captioned matter seeking to compel arbitration of a contract dispute concerning the sale of genetically modified mice. D.I. 1.

On March 12, 2018, Nanjing answered Jackson’s Complaint and “agree[d] to arbitrate the contract dispute raised by Plaintiff pursuant to the American Arbitration Association rules pertaining to commercial arbitrations.” D.I. 9 at 6. Nanjing also asserted three Counterclaims, *id.* at 9, but now intends to pursue those claims in the agreed-upon arbitration.

In sum, the Parties are now in agreement that the contract dispute which formed the basis for Jackson's Complaint will be arbitrated under the AAA Commercial Rules, and that Nanjing's counterclaims are arbitrable. The Parties' entire dispute, including claims raised or not yet raised arising out of the facts and circumstances asserted in the Complaint, will therefore be arbitrated.<sup>1</sup>

Both Parties expressly reserve any and all claims and defenses, at law or in equity, that may be asserted in the arbitration referred to herein.

Each party will bear its own costs, including attorneys' fees, for the proceedings in this Court.

WHEREFORE, for the reasons set forth more fully above, the Parties request that this action—Civil Action No. 1:17-cv-00363-GZS—and the claims and counterclaims set forth therein, be dismissed without prejudice and that this action be terminated.

Dated: April 2, 2018

Respectfully submitted,

/s/Andrea T. Holbrook

Andrea T. Holbrook  
Maine Bar No. 05251  
DUANE MORRIS LLP  
2 Monument Square, Suite 505  
Portland, ME 04101  
Phone: (215) 979-1677  
Fax: (207) 470-1068  
Email: atholbrook@duanemorris.com

/s/ Timothy R. Shannon

Timothy R. Shannon (Maine Bar No. 4582)  
VERRILL DANA LLP  
One Portland Square  
Portland, ME 04101-0586  
Tel: 207-253-4826  
Fax: 207-253-4827  
tshannon@verrilldana.com

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<sup>1</sup> Although Jackson has agreed to dismiss this action without prejudice, Jackson does not concede that Nanjing's Counterclaims, or any issues arising out of or related to Nanjing's Counterclaims, can be re-litigated by Nanjing in this or any other court once arbitrated.

Of Counsel:

Anthony J. Fitzpatrick  
Neelaabh Shankar  
Duane Morris LLP  
100 High Street, Suite 2400  
Boston, MA 02110-1724  
Phone: 857-488-4200  
Fax: 857-488-4201  
Email: ajfitzpatrick@duanemorris.com  
nshankar@duanemorris.com

Seth A. Goldberg  
Duane Morris LLP  
30 South 17<sup>th</sup> Street  
Philadelphia, PA 19103  
Phone: 215-979-1175  
Fax: 215-979-1020  
Email: sagoldberg@duanemorris.com

*Attorneys for the Defendants*

Michael N. Rader  
Chelsea A. Loughran (*admitted pro hac vice*)  
WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Avenue  
Boston, MA 02210  
Tel: 617-646-8000  
Fax: 617-646-8646  
mrader@wolfgreenfield.com  
cloughran@wolfgreenfield.com

*Attorneys for the Plaintiff*

**CERTIFICATE OF SERVICE**

I, Timothy R. Shannon, certify that on April 2, 2018, a copy of the foregoing document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

Dated: April 2, 2018

By: /s/ Timothy R. Shannon